

Kingston Planning Board

May 21, 2019 Public Hearing Minutes

Mr. Coppelman called the hearing to order at 6:47 PM; there were no challenges to the legality of the hearing.

Members present:

Glenn Coppelman, Chair
Peter Coffin, Vice Chair
Lynne Merrill
Phil Coombs, BOS rep.

Peter Bakie
Robin Duguay
Steve Padfield, alternate
Ellen Faulconer, admin. asst., alternate

Absent: Chris Bashaw

Also present: Glenn Greenwood, Town Planner; Dennis Quintal, Town Engineer

Mr. Coppelman introduced the Board, Town Planner and Town Engineer. He announced for the public, that there were requests for continuance for two of the public hearings, Bluestone and the Mitchell subdivision. Mr. Coppelman announced that due to Mr. Bashaw's absence, Mr. Padfield would be a voting member this evening. Prepared comments from the Town Engineer and Town Planner were distributed.

Dan Parks 7 Small Pox Road Tax Map R19 Lot 22

Mr. Parks and his engineer, Dan Monette were introduced; it was noted that he had received Mr. Greenwood's comments today. Mr. Coppelman read the public notice adding that this was a continuation from a previous hearing. Mr. Monette announced that there had been multiple modifications since the last hearing that included the construction entrance, refueling area, de-watering notes, dust control, dry hydrant detail and a typical cross-section of the pond was shown. Upon Mr. Coppelman's question about discussions with the Fire Department, Mr. Monette stated that they had not been in contact with the Fire Department yet. Mr. Monette explained that the size of the pond was substantially smaller to avoid needing an Alteration of Terrain (AoT) permit even though the plan would meet most of the AoT requirements. He added that this would take 2 to 3 years to complete; they would work on it for approximately 8 months in each year, mostly in summer and fall, with approximately 8 trucks per day. Mr. Coombs said that the initial estimate was for 5,000 to 6,000 loads; he questioned what the current estimates were. Mr. Monette estimated that it would be 2600 trips, 5-8 trips per day over a 2 to 3 year period; he clarified that these are round trips. Mr. Monette confirmed that there would be no weekend hauling; the plan note shows the hours being worked from 7 AM to 6 PM. He expects to have the wetland scientist stamp on the plan tomorrow.

Mr. Greenwood reviewed his notes that included that this was an improvement over the previous plan adding that he did send his comments to Mr. Monette; the wetland stamp was missing; the driveway/garage is in the wetland setback.

1

KPB

05/21/2019

Draft pending acceptance

ACTION ITEM: Mr. Greenwood will check to see if there was a ZBA waiver for this. Mr. Parks stated the stream had been moved.

Mr. Greenwood continued that his calculations had been that a truck holding 14 cubic yards would require 5500 trips; larger trucks would mean less trips but also create a heavier vehicle for the roads. He added that he had received information from Eversource and they had no issues with the project; the Town will need a trucking agreement, noting the routes, days, times although it appears that the trucking may be more manageable than initially envisioned; taking 2-3 to complete may cause less congestion. He stated that Road Agent Rich St. Hilaire and Town Engineer, Dennis Quintal will do a survey/video as a baseline for the roads; he added that he would be happy to be involved with this project.

ACTION ITEM: Mr. Greenwood will take the lead in moving the project forward on getting the survey/video of the roads done.

Mr. Greenwood concluded by saying that the Town and the project definitely needs a formal game plan which we currently do not have; the large trucks will still have an impact. Mr. Parks asked if this was just for Small Pox Road and New Boston Road. **ACTION ITEM:** Mr. Greenwood stated that it was just the Town roads but he will contact Division 6 to let them know. He suggested that Mr. Parks might want to engage with them first.

Mr. Quintal reviewed his comments; he stated that a number of his comments had already been addressed and removed from his current list. While agreeing that the disturbed area for the smaller acreage for the pond is under the 100,000 required for an AoT permit, he questioned whether the stockpile and de-watering areas put them over the 100,000 sq. ft. limit; he suggested this might be something they want to confirm. He stated that the project needed a review by the State Natural Heritage Bureau. Mr. Quintal reviewed continued items 5,8,9,10,11,12,16,17,18 and new comments 19,20,21, and 22. Items 5 through 18 included issues such as: Stormwater management, surveyed property lines and monumentation, stabilization performance bond, waivers re: 904.17, de-watering, construction sequence, pre-construction meeting, a slope stability analysis, the need for gradual slopes for safety purposes. The new issues included items such as: location for temporary stockpile of topsoil should be provided, soil test pit data needs to be provided, details for the plan sheets to be recorded, stamps by professionals that include the wetland/soil scientist and licensed land surveyor. Mr. Quintal added that the Board needs to clarify the pages for the recording of the plans based on current acceptability requirements from the registry.

Mr. Monette replied to Mr. Quintal's comments. Item 5: 98,000 is the proposed limit, anything stockpiled will be within that number and be in the hole being dug. There is no water leaving the site; they plan to start digging at one end; any water will run back into the hole; it will act as a detention pond during construction. Mr. Quintal questioned that the intent was to dig the pond out of the water. Mr. Monette said that the machine will shape the slope under the water; #8: there will be erosion control in the truck areas; it will all run back into the water; #9: he said the property lines had been surveyed by a firm no longer in existence. There was discussion about the need to record the plan; Mr. Monette said it is not a requirement for the State's excavation regulations. The Board questioned previous actions for similar uses. Ms. Faulconer showed the Board the recorded plan for "Misery Hill". The Engineer said that this would cause the applicant to start from scratch at a significant cost. He stated that a 3:1 slope is a common slope and is manageable; with stabilized vegetation it is safe; he has a boat launch on the plan to allow for egress. He stated that sand slopes naturally at 2:1 if not

saturated; it will settle and the top section should be stable. He stated that the Performance Bond is underway. Mr. Parks added that the person interested in doing the work will put up the bond. Mr. Coppelman explained that this is to protect the Town in case the project is only part-way done and not finished; it is not just for the roads. Mr. Quintal added that there needs to be Inspections done during construction as well as inspections and on-sight review of the project and the roads that will be occurring over a 2 to 3 year period. He continued that the Town has input as to how it is going and can require a report on a regular basis for Stormwater Management. Mr. Quintal confirmed that this would not be a daily inspection. Mr. Monette said that they will work this out for the Town. He continued that the waivers per 904.17 had to do with AoT waivers and they wouldn't need them due to being under the 100,000 requirement. Mr. Quintal agreed if under that number, it would be no problem but they should be certified regarding that number to avoid AoT issues; it would be important to make sure the contractor was aware and did not go beyond the 100,000. Mr. Monette said they would be putting up demarcation fencing to avoid going over. Mr. Monette addressed item #16 (pumping method): they would be working on the pond 4 ft. at a time; the water will be worked out as it is built; they have a generalized stormwater and erosion plan, mostly for the trucks and soil storage and fueling areas; #18: just a repeat of #10 – 3:1 is the normal slope which will be sufficient. He explained that the pond's main use will be for recreation and fishing. He said that he can state that the topsoil will be stored within the pond limits; he can show the test pit information.

Mr. Monette returned to the recording requirement. Mr. Greenwood confirmed that 155:E had no requirement for a surveyed plan. Mr. Monette asked what the point would be for a recorded plan. Mr. Coppelman said to show the approval and the plan. There was Board discussion about possible accommodations to having a recordable plan. There was discussion about the possibility that the stream path had been altered and whether the original surveyed plan would show the original location. Mr. Coombs said that this is for a private recreation pond on private property; adding a survey is adding more money; it is a good plan, giving the Board what it asked for, and doesn't need recording. Mr. Bakie said that RSA 155 doesn't require it so the Town can't require it. Mr. Monette said that he can do a plan with the approximate property lines, but it won't be certified. Mr. Coffin, Mr. Greenwood and Mr. Coppelman all agreed that this would be okay as it provided additional information. Mr. Monette, in responding to item 22, said that he will provide a Wetland stamp, but not the survey stamp per the Board discussion.

Mr. Coppelman read the Department comments. Highway: per his previous comments: estimate road bond, estimated Performance and Engineering bond, film and document existing condition of Town roads before construction begins. Mr. Coppelman re-stated that Mr. Greenwood will take the lead on getting this done. Mr. Coffin stated that the reclamation plan is basically the pond, he questioned what would happen if the pond gets ½ done, what would the Town need for that. Mr. Parks said it is his property and the loam would already be on-site. Mr. Coombs added that it is not something the Town would need to address. Mr. Greenwood confirmed that it is not an issue for the Town; the Town would only require stabilization on a site plan; per Mr. Parks explanation, all the activity will be taking place within the hole, the topsoil will be on-site and it would be incumbent on him to fix it if he didn't want a hole on his property; the end result is different from a typical excavation. Mr. Park added that the edges are taken care of as the pond progresses. Mr. Monette stated that they have a seed mix typical for gravel pits.

Mr. Quintal stated that it is important to have a pre-construction meeting to know when the project is starting; to know when to take the video; the bond amount needs to be agreed upon prior to

construction; the limit of construction at 98,000 should be a condition of approval; the original surveyed plan should be provided and the stamps need to be on the plan; there should be a fence around the top edge; he stated that he doesn't know how steep the slopes should be but it can be staked as a construction fence makes the project less dangerous. Mr. Parks said that he could put up stakes and flagging. Mr. Monette said that a silt fence is expensive and suggested a project demarcation fence or just stakes and flagging. Mr. Quintal re-iterated that they needed to be able to know the limit of the 98,000 area so the contractor doesn't get out of control.

Mr. Bakie suggested speaking with Mr. St. Hilaire about the bond needed for protecting the roads. Mr. Quintal said that he and Mr. St. Hilaire would come up with a number for the Board. Ms. Faulconer said the bond number should be set and provided to the Board prior to the next meeting as the Board needs to approve it. Mr. Greenwood said that this project would have a substantial number of vehicles and he would like a chance to work up a basic performance agreement that included items such as the hours, number of vehicles; he said that dump trucks on Small Pox Road and New Boston Road would be noticed; trucks twice as big will be really noticed; he added that there needed to be working agreement. Mr. Greenwood added that while the number of trucks has been reduced, they are now larger trucks; Chief Briggs had been adamant about a police detail so he would like his input based on the current information. He will try to do this in a week to get back to the applicant ahead of time. Mr. Monette agreed to put the number of trucks, months of operation, hours of operation, etc. in an agreement. Mr. Greenwood will work on this. Ms. Merrill said that she sees videotaping of the road as protection for the applicant as well as the Town. Mr. Coppelman agreed that it provides a baseline for both parties. Mr. Greenwood said that the limit of 8 to 10 trucks per day may be a different perspective for the police. Mr. Monette said they would like to avoid a police detail at all.

MM&S to accept the plan for jurisdiction. (Motion by Mr. Coffin, second by Ms. Merrill)**PUNA**

ACTION ITEM: Have Mr. Greenwood and Mr. Quintal prepare a concise list of conditions of approval for the June 4th hearing; will need the project perimeter delineation and the bond.

ACTION ITEM: Review the ordinances about working on the weekends for this project for Mr. Parks.

Ms. Merrill stated that the Board needs to keep in mind that this is a residential neighborhood and that need to be part of the consideration.

Mr. Padfield confirmed that Mr. Greenwood would work on the number of trucks to include for the memo of understanding.

MM&S to continue to June 4, 2019 at 6:45. (Motion by Ms. Merrill, second by Mr. Coffin) Discussion: Mr. Monette said they will provide a new set of plans for the Board to look at on June 4th, he asked if they could get the conditions earlier; they will have a note on the plan referencing the agreement. Mr. Coppelman said that there could always be a conditional approval. Mr. Monette said that he could provide the final plan electronically. Mr. Greenwood will send the comments when they become available.

Vote on the Motion: **PUNA**

(This portion of the hearing ended at 8:15 PM)

Bluestone Investment Group, LLC
4 Marshall Road
Kingston, NH 03848
Tax Map R33-21

Mr. Coppelman read a letter dated 5/9/19 requesting a continuance to the following month's hearing date.

MM&S to continue to June 18, 2019 at 6:45 PM. (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA**

Mark G. Mitchell
15 Exeter Road
Kingston NH 03848
Tax Map R34 Lot 61

Mr. Coppelman read a letter dated 5/21/19 requesting a continuance to the following month's hearing date.

MM&S to continue to June 18, 2019 at 6:45 PM. (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA**

Board Business

Correspondence:

- Bond Balance list
- Letter for Mr. Coppelman regarding the Rte. 125 Working Group
- Mailbox issues: the USPS has a regulation that requires all new subdivisions to have a central location for mail boxes; subdivision regulations may need to be updated. The Board questioned the ownership and maintenance responsibilities for a central location.

ACTION ITEM: Mr. Greenwood will speak to the Kingston postmaster and get back to the Board.

- Construction estimate/bond for 4 Marshall Road; Mr. Quintal has some revisions with a slightly higher estimate. Mr. Greenwood stated that the bond should be part of the Board's approval. Mr. Quintal said that as it is a Town road, they would need to post the total amount; he hasn't heard anything back from Jones and Beach about his proposed estimate. Mr. Coombs asked if the Board typically counts lighting; Mr. Quintal answered that it was not typical.
- Email received from Carol Cureton about a driveway permit. Ms. Merrill thought re-paving/ replacing in kind did not require a new permit. There were questions about re-grading.

ACTION ITEM: Mr. Coombs will check-in with Mr. St. Hilaire and get back to the Board.

- Note re: discussion with Registrar, Cathy Stacy. Existing conditions plans will no longer be recorded. Mr. Coppelman said that notes that wind up on that page are important and will need to be on a different sheet to be recorded.
- Letter of introduction from Granite Engineering
- Letter dated 1987 dropped off 5/8/19 re: "Battles", Main St.; the Board agreed to add it to the existing file.
- Viens Bond – Mr. Quintal made a release recommendation. The Board's procedure is to have the applicant request a release, since none had been received, the Board will hang on to Mr. Quintal's recommendation pending a request from the applicant in writing.

- Questions from the Road Agent about activity at R2-13 and the “mountain” appearing on the Galloway property. Ms. Faulconer stated that the property owner for R2-13 had come in to the Planning Board office and was meeting with Mr. Greenwood next week. Mr. Greenwood has requested, by phone, for Mr. Galloway to speak with the Board; he will contact Mr. Galloway in writing.
- Email from Danna Truslow: includes final invoice for 4 Marshall Road and a note to add for a “condition of approval”; the invoice was signed by the Chair.
- PO for Mr. Coppelman to attend the RPC annual meeting. Mr. Coffin asked about creating an invoice for him to attend.

MM&S to authorize signing a PO for Mr. Coppelman to attend the annual RPC meeting. (Motion by Ms. Merrill, second by Mr. Bakie) Motion carries 5-0-2 with Mr. Coppelman and Mr. Coombs abstaining.

MM&S to authorize signing a PO for Mr. Coffin to attend the annual RPC meeting. (Motion by Ms. Merrill, second by Mr. Bakie) Motion carries 4-0-3 with Mr. Coppelman, Mr. Coffin and Mr. Coombs abstaining.

MM&S to accept the minutes of April 16, 2019. (Motion by Ms. Merrill, second by Mr. Coombs) **PUNA**

Waiver requests: 61 North Road subdivision:

1 – Waive the \$5000 fee to \$2500; Mr. Padfield noted that additional funds can be required to be added if the \$2500 runs out; Mr. Greenwood confirmed for Ms. Merrill that he had reviewed the plans adding that it was the second, corrected submission. Mr. Coombs stated that there is going to be engineering reviewed involved due to the location. Mr. Coppelman asked if there were any “hydro” issues; Mr. Greenwood answered there were none.

MM&S to waive the requirement of the \$5000 bond to \$2500. If the amount is depleted, the applicant will be required to bring the escrow back up to the \$2500. (Motion by Mr. Coffin, second by Mr. Bakie) **Motion carries 6-0-1** with Mr. Coppelman abstaining.

2 – Waive the requirement for the mandatory preliminary review. Mr. Greenwood explained that it was typical to waive this requirement for a small subdivision.

MM&S to waive the requirement for Preliminary Review. (Motion by Ms. Merrill, second by Mr. Bakie) **PUNA**

3 – Waive the requirement of submitting subdivision plan by electronical filing.

MM&S to deny the request to waive the electronic filing. (Motion by Ms. Merrill, second by Mr. Coppelman) **PUNA**

Ms. Faulconer reviewed the items on the upcoming meetings/hearings.

Ms. Merrill suggesting adding to the ADU review a discussion regarding legally existing in-law apartments and whether they are ADU’s or not. Ms. Merrill will come back with proposed language; Mr. Coppelman and Mr. Coffin are currently working on proposed amendments the ADU ordinance.

MM&S to adjourn at 9:10 PM. (Motion by Mr. Coombs, second by Mr. Bakie) **PUNA**